

**STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

Before the Commissioner of Financial and Insurance Regulation

In the matter of:

Enforcement Case No. 09-7170

**DAVID L. MILLER
17576 McKinley Rd.
Big Rapids, MI 49307-9593
System ID No. 0085023**

Respondent.

_____ /

CONSENT ORDER AND STIPULATION

**I.
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Office of Financial and Insurance Regulation ("OFIR") and David L. Miller (the "Respondent") state the following facts are true and correct:

1. The Respondent is a licensed resident insurance producer in the State of Michigan, pursuant to the Insurance Code of 1956, 1956 PA 218, as amended, MCL 500.100, *et. seq.*, (the "Code") with qualifications and authorizations to transact business selling, soliciting and/or negotiating accident and health insurance. System ID number 0085023.
2. Respondent has been a licensed resident insurance producer in this State since August 11, 1981. His last known appointment was with Combined Insurance Company of America ("Combined"). On or about February 10, 2009, Respondent's employment was terminated for cause due to a violation of company policy.
3. More specifically, Respondent placed an application for accident insurance allowing a former spouse to be named as owner and as beneficiary. As owner, the former spouse has no insurable interest in the policy.
4. Respondent either knew or should have known that allowing a former spouse to be named as owner is an unacceptable insurance practice and is a violation of

Section 1239(1)(h) of the Code because it demonstrates dishonesty, incompetence and/or untrustworthiness.

5. Without admitting or denying any of the allegations, and without admitting or denying any violations of the Code, the Respondent is now prepared to voluntarily consent to entry of this Consent Order and Stipulation as follows:

II. ORDER

Based on the above findings of fact and conclusions of law and Respondent's stipulation, it is **ORDERED** that:

1. Respondent shall immediately cease and desist from violating the Michigan Insurance Code, including but not limited to Section 1239 of the Michigan Insurance Code.
2. Respondent shall pay to the State of Michigan a civil fine of \$500.00 (five hundred dollars and zero cents). Upon execution of this Order, OFIR will send Respondent an Invoice for the civil fine that is payable in \$100.00 increments with the first payment due within 30 days of issuance of the Invoice.

OFFICE OF FINANCIAL AND
INSURANCE REGULATION

Dated: _____

7/14/09

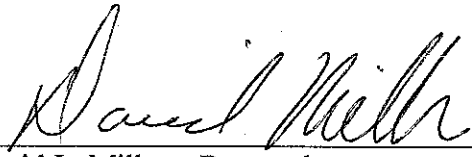


Stephen R. Hilker
Chief Deputy Commissioner

**III.
STIPULATION**

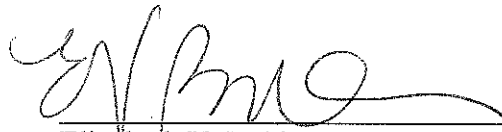
I have read and understand the Consent Order above. I agree that the Commissioner has jurisdiction and authority to issue this Consent Order pursuant to the Michigan Insurance Code. I waive the right to a hearing in this matter if this Consent Order is issued. I understand that the Consent Order and Stipulation will be presented to the Commissioner for approval and the Commissioner may or may not issue this Consent Order. I waive any objection to the Commissioner deciding this case following a hearing in the event the Consent Order is not approved.

Dated: 7/3/09


David L. Miller – Respondent
17576 McKinley Rd.
Big Rapids, MI 49307-9593

The Office of Financial and Insurance Regulation staff approves this stipulation and recommends that the Commissioner issue the above consent order.

Dated: 7/9/09


Elizabeth V. Bolden
OFIR Staff Attorney